

1 JASON M. FRIERSON  
2 United States Attorney  
3 Nevada Bar No. 7709  
4 DANIEL R. SCHIESS  
5 Assistant United States Attorney  
6 Nevada Bar No. 5483  
7 ERIC C. SCHMALE  
8 Assistant United States Attorney  
9 501 Las Vegas Blvd. South, Ste. 1100  
10 Las Vegas, Nevada 89101  
11 Phone: 702-388-6336  
12 Email: dan.schiess@usdoj.gov  
13 Email: eric.schmale@usdoj.gov  
14 *Attorneys for the United States of America*

15  
16 **UNITED STATES DISTRICT COURT**  
17 **DISTRICT OF NEVADA**

18 UNITED STATES OF AMERICA,  
19 Plaintiff,  
20 v.  
21 MATTHEW WADE BEASLEY,  
22 Defendant.

23 Case No. 2:22-mj-171-EJY

24 **Stipulation to Extend Deadlines to  
Conduct Preliminary Hearing and  
File Indictment (Fourth Request)**

25  
26 IT IS HEREBY STIPULATED AND AGREED, by and between Jason M.  
27 Frierson, United States Attorney, and Daniel R. Schiess and Eric C. Schmale, Assistant  
28 United States Attorneys, counsel for the United States of America, and Garrett T. Ogata,  
29 Esquire, counsel for Defendant MATTHEW WADE BEASLEY, that the Court schedule  
30 the preliminary hearing in this case for no sooner than 30 days from the date of the filing of  
31 this stipulation. This request requires that the Court further extend two deadlines: (1) that a  
32 preliminary hearing be conducted within 14 days of a detained defendant's initial  
33 appearance, *see* Fed. R. Crim. P. 5.1(c); and (2) that an information or indictment be filed  
34 within 30 days of a defendant's arrest, *see* 18 U.S.C. § 3161(b).

1       This stipulation is entered into for the following reasons:

2       1.       Under Federal Rule of Criminal Procedure 5.1(c), the Court “must hold the  
3       preliminary hearing within a reasonable time, but no later than 14 days after the initial  
4       appearance if the defendant is in custody . . .”

5       2.       However, under Rule 5.1(d), “[w]ith the defendant’s consent and upon a  
6       showing of good cause—taking into account the public interest in the prompt disposition of  
7       criminal cases—a magistrate judge may extend the time limits in Rule 5.1(c) one or more  
8       times . . .”

9       3.       Furthermore, under the Speedy Trial Act, 18 U.S.C. § 3161(b), “[a]ny  
10      information or indictment charging an individual with the commission of an offense shall be  
11      filed within thirty days from the date on which such individual was arrested or served with a  
12      summons in connection with such charges.”

13       4.       In this case, the parties are attempting to globally resolve this matter and  
14      another matter before the defendant is formally charged in any criminal indictment and  
15      therefore seek an extension of the deadlines to do so. This continuance is not sought for the  
16      purposes of delay, but to allow the defendant and defense counsel an opportunity to  
17      examine the merits of a potential resolution between the parties.

18       5.       Accordingly, the parties jointly request that the Court schedule the  
19      preliminary hearing in this case no sooner than 30 days from today’s date.

20       6.       Defendant is in custody and agrees to the extension of the 14-day deadline  
21      imposed by Rule 5.1(c) and waives any right to remedies under Rule 5.1(c) or 18 U.S.C.  
22      § 3161(b).

7. This extension supports the public interest in the prompt disposition of criminal cases by permitting defendant time to consider entering into a global pre-indictment plea agreement.

8. Accordingly, the additional time requested by this stipulation is allowed under Federal Rule of Criminal Procedure 5.1(d).

9. In addition, the parties stipulate and agree that the time between today and the scheduled preliminary hearing is excludable in computing the time within which the defendant must be indicted and the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(b) and (h)(7)(A), considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (iv).

10. This is the fourth request for an extension of the deadlines by which to conduct the preliminary hearing and to file an indictment.

DATED this 25th day of January, 2023.

Respectfully submitted,

JASON M. FRIERSON  
United States Attorney

/s/ Garrett T. Ogata  
GARRETT T. OGATA, ESQ.  
Counsel for Defendant BEASLEY

/s/ *Daniel R. Schiess*  
DANIEL R. SCHIESS  
ERIC C. SCHMALE  
Assistant United States Attorneys

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Case No. 2:22-mj-171-EJY

Plaintiff,

V.

MATTHEW WADE BEASLEY,

**[Proposed] Order on Stipulation to Extend Deadlines to Conduct Preliminary Hearing and File Indictment**

Defendant.

IT IS THEREFORE ORDERED that the preliminary hearing currently scheduled on January 30, 2023, at the hour of 4:00 p.m., be vacated and continued to \_\_\_\_\_ at the hour of \_\_\_\_\_.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2023.

HONORABLE ELAYNA J. YOUCHAH  
UNITED STATES MAGISTRATE JUDGE